

Assembly Bill No. 2269

CHAPTER 568

An act to repeal and add Section 1834.7 of the Civil Code, relating to animal shelters.

[Approved by Governor September 24, 2016. Filed with
Secretary of State September 24, 2016.]

LEGISLATIVE COUNSEL'S DIGEST

AB 2269, Waldron. Animal shelters: research animals: prohibitions.

(1) Existing law requires a pound or animal regulation department of a public or private agency where animals are turned over dead or alive to a biological supply facility or a research facility to post a statement to this effect, as specified, and requires that this statement and other information also be included on owner surrender forms.

This bill would revise these provisions to apply them only to an animal shelter entity, as defined, where dead animals are turned over to a biological supply facility or a research facility for specified purposes. The bill would revise the posted statement and owner surrender forms to refer to euthanized animals. The bill would prohibit an animal shelter entity or other person that accepts animals from the public or takes in stray or unwanted animals from selling, giving, or otherwise transferring a living animal to a research facility, animal dealer, or other person for the purpose of research, experimentation, or testing. The bill would also prohibit a research facility, animal dealer, or other person from procuring, purchasing, receiving, accepting, or using a living animal for the purpose of research, experimentation, or testing if that animal is transferred from, or received from, an animal shelter entity or other person that accepts animals from the public or takes in stray or unwanted animals. The bill would prohibit a person or animal shelter entity from euthanizing an animal for the purpose of transferring the carcass to a research facility or animal dealer. A violation of these provisions would be subject to a civil penalty of \$1,000. By creating new conditions affecting the operations of local, public animal service entities, this bill would impose a state-mandated local program.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

The people of the State of California do enact as follows:

SECTION 1. Section 1834.7 of the Civil Code is repealed.

SEC. 2. Section 1834.7 is added to the Civil Code, to read:

1834.7. (a) For purposes of this section:

(1) “Animal dealer” means a person who, in commerce, for compensation or profit, delivers for transportation, or transports, except as a carrier, or who buys, sells, or negotiates the purchase or sale of any animal, whether alive or dead, for research, teaching, exhibition, or biological supply.

(2) “Animal shelter entity” includes, but is not limited to, an animal regulation agency, humane society, society for the prevention of cruelty to animals, or other private or public animal shelter.

(3) “Person” means an individual, partnership, firm, limited liability company, joint-stock company, corporation, association, trust, estate, governmental agency, or other legal entity.

(4) “Research facility” means a research facility as defined by Section 2132 of Title 7 of the United States Code, effective February 7, 2014.

(b) (1) An animal shelter entity where dead animals are turned over to a biological supply facility or a research facility for research purposes or to supply blood, tissue, or other biological products shall post a sign as described by this paragraph in a place where it will be clearly visible to a majority of persons when turning animals over to the shelter. The sign shall measure a minimum of 28 x 21 cm— 11 x 8 ½ inches—with lettering of a minimum of 3.2 cm high and 1.2 cm wide— 1 ¼ x ½ inch —(91 point) and shall state:

“Animals Euthanized at This Shelter May Be Used for Research Purposes or to Supply Blood, Tissue, or Other Biological Products”

(2) The statement in paragraph (1) shall also be included on owner surrender forms.

(3) An animal shelter or other person shall not euthanize an animal for the purpose of transferring the carcass to a research facility or animal dealer.

(c) (1) An animal shelter entity or other person that accepts animals from the public or takes in stray or unwanted animals shall not sell, give, or otherwise transfer a living animal to a research facility, an animal dealer, or other person for the purpose of research, experimentation, or testing.

(2) A research facility, animal dealer, or other person shall not procure, purchase, receive, accept, or use a living animal for the purpose of research, experimentation, or testing if that animal is transferred from, or received from, an animal shelter entity or other person that accepts animals from the public or takes in stray or unwanted animals.

(d) Nothing in this section shall prohibit a research facility from working in collaboration with an animal shelter to investigate problems and provide services to shelter animals.

(e) A violation of this section is subject to a civil penalty of one thousand dollars (\$1,000) in an action to be brought by the district attorney or city attorney of the county or city where the violation occurred. When collected,

the civil penalty shall be payable to the general fund of the governmental entity that brought the action to assess the penalty.

SEC. 3. If the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.